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Systems, Inc. and Wells Fargo Bank, N.A.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ALEKSANDER MIKITYUK and OLITITSA)
MIKITYUK, individuals,)

Plaintiffs,)

v.)

NORTHWEST TRUSTEE SERVICES, INC.,)
MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC., and)
WELLS FARGO BANK, N.A.,)

Defendants.)

Case No. 3:12-cv-1518-JE

Mortgage Electronic Registration Systems,
Inc.'s and Wells Fargo Bank, N.A.'s
MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

I. LR 7-1 CERTIFICATE OF COMPLIANCE

Counsel for defendants Mortgage Electronic Registration Systems, Inc. ("MERS"), and Wells Fargo Bank, N.A. ("Wells Fargo") certifies that he attempted to confer in good faith with plaintiffs' counsel via telephone on December 19 and December 21, 2012, and via e-mail on December 5, December 18, and December 21, 2012, regarding the content of this Motion, but

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FARGO BANK, N.A.'S MOTION TO DISMISS

was unable to contact plaintiffs' counsel. Moving defendants therefore presume that plaintiffs oppose this Motion.

II. MOTION

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(b)(7), MERS and Wells Fargo, by and through their counsel of record, respectfully moves this Court to dismiss plaintiffs' First Amended Complaint (ECF No. 22) with prejudice.

This Motion is supported by moving defendants' accompanying Memorandum in Support of the Motion to Dismiss, containing a recitation of facts and a memorandum of law, the Declaration of Brian T. Kiolbasa in Support of Defendants' Motion to Dismiss, and the files and records of this case.

DATED: December 21, 2012

LANE POWELL PC

By /s/ Brian T. Kiolbasa
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